THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5033 of 2007

Dated:13.03.2007

Between:

Golla Sattaiah and others.

…Petitioners

and

The District Collector and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5033 of 2007

ORDER:

The petitioners earlier filed W.P.No.20847 of 2006. They allege that the land in Survey Nos.738/3, 738/4, 738/31, 738/32 and 738/36 situated at Lakadaram Village of Patancheruvu Mandal in Medak District, was assigned to them or their predecessors where they are cultivating. They alleged that on 04.12.2006, the respondents tried to interfere with their possession and evict them. At the stage of admission itself, the learned Assistant Government Pleader for Revenue (Assignment) submitted that an extent of Acs.7.20 guntas of land in Survey No.738/2 out of total extent of Acs.350.26 guntas in Survey No.738 was proposed for construction of houses under Integrated Novel Development in Rural and Modal Municipal Areas (INDIRAMMA) scheme, and that the respondents never tried to interfere with the possession of the petitioners. In this case the petitioners allege that in spite of the said order, on 22.01.2007 the respondents came and trespassed into their lands. Therefore, they gave a representation to the respondents on 27.01.2007 claiming exclusive possession of the land, in vain. Aggrieved by the same, they filed the present Writ Petition seeking a writ of mandamus declaring the action of the respondents in trying to dispossess them from their lands as illegal and arbitrary.

At the stage of admission itself, the learned Assistant Government Pleader obtained instructions. He submits that the Housing Scheme under INDIRAMMA was proposed in the land, which is far away from the land claimed by the petitioners, and that the petitioners were never assigned any land.

Therefore, this Court cannot grant any relief to the petitioners. If the

petitioners are in possession of the lands in various subdivision numbers of Survey No.738, as alleged, they may approach the Mandal Revenue Officer seeking appropriate survey, in which event, it shall be open to the Mandal Revenue Officer to consider the claim of the petitioners regarding assignment of lands and take necessary steps for conducting survey, if they are in possession of the land.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

13.03.2007
vs